

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

YVETTA GREEN,

Appellant,

v.

Case No: 23-10631

RUSHMORE LOAN MANAGEMENT
SERVICES, LLC,

Appellee.

MOTION TO DISMISS APPEAL

COMES NOW, Rushmore Loan Management Services, LLC (“Rushmore”), and files this Motion to Dismiss the above-captioned appeal for lack of appellate jurisdiction, respectfully showing this Honorable Court as follows.

**CERTIFICATE OF INTERESTED PERSONS AND CORPORATE
DISCLOSURE STATEMENT**

Rushmore makes the following disclosures pursuant to Fed. R. App. P. 26.1 and 11th Cir. R. 26.1-1:

1. Chaness, Bret. J.
2. Green, Yvetta D.
3. Grimberg, Hon. Steven D.
4. Rubin Lublin, LLC
5. Roosevelt Management Company, LLC

6. Rushmore Loan Management Services, LLC
7. U.S. Bank National Association, as Legal Title Trustee for Truman 2016 SC6 Title Trust
8. U.S. Bancorp (NYSE: USB)
9. Vineyard, Hon. Russell G.

RELIEF REQUESTED AND GROUNDS THEREFOR

1. On February 3, 2023, the district court entered an Order that denied the Appellant Yvetta Green’s (“Appellant”) motion for extension of time to respond to Rushmore’s Motion to Dismiss, or in the alternative, for More Definite Statement. *See* [Doc. 1-3] (the “Extension Order”).

2. On February 24, 2023, the Appellant filed a document titled “Notice of Appeal” in the district court. *See* [Doc. 1-2]. Although titled as a Notice of Appeal, it does not appear to substantively be a notice of appeal, but rather another motion for extension of time to respond to Rushmore’s Motion to Dismiss, or in the alternative, for More Definite Statement. *See generally id.*

3. It is not necessary to determine whether that filing is a proper notice of appeal because the Extension Order is not a final judgment. Additionally, no final judgment has been entered since the Extension Order was granted. *See* Docket Sheet, No. 1:22-cv-04218-SDG-RGV (N.D. Ga.).

4. Under 28 U.S.C. § 1291, this Court only has jurisdiction from final judgments of the district courts. The only exceptions to this rule are found in 28 U.S.C. § 1292, which permits appeals from interlocutory orders (1) granting, denying, dissolving, or refusing to dissolve injunctions; (2) appointing or refusing to appoint receivers; (3) entered in admiralty cases; or (4) if the district court otherwise certifies the order for interlocutory appeal and this Court grants leave to appeal. None of those situations are present here.

5. “Without a final judgment, an interlocutory order certified for appeal, a Rule 54(b) final order, or any other applicable pathway for review, [this Court is] without jurisdiction to consider this appeal and must grant the motion to dismiss it.” *Jenkins v. Prime Ins. Co.*, 32 F.4th 1343, 1347 (11th Cir. 2022).

WHEREFORE, Rushmore respectfully prays for relief as follows:

- a) That this Court dismiss this appeal for lack of appellate jurisdiction; and
- b) For any other relief that this Court deems just and proper.

Respectfully submitted, this 7th day of March, 2023.

/s/ Bret J. Chaness

BRET J. CHANESS (GA Bar # 720572)

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Services, LLC*

CERTIFICATE OF COMPLIANCE

**Certificate of Compliance with Type-Volume Limitation,
Typeface Requirements, and Type Style Requirements**

1. This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because this motion contains 329 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f).
2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 365 in size 14 Times New Roman font.

Date: March 7, 2023.

/s/ Bret J. Chaness
BRET J. CHANESS

CERTIFICATE OF SERVICE

I hereby certify that I have, this 7th day of March, 2023, served all parties the within and foregoing by placing a true and correct copy of same in the United States Mail, with first-class postage affixed thereto, properly addressed as follows:

Yvetta D. Green
205 Talbot Court
McDonough, GA 30253

/s/ Bret J. Chaness
BRET J. CHANESS (GA Bar No. 720572)